

REMARKS

STATUS OF THE CLAIMS:

Claims 1-38 have been pending.

Claims 7, 13-16 and 18-27, 29-33, 35 and 37-38 are withdrawn from consideration.

According to the Examiner, claims 1, 3-6, 8-12 and 17 are the elected pending claims, but it is submitted that claims 2, 28, 34 and 36 are also constructively elected as set forth below.

In accordance with the foregoing, the claims are amended and claims 3 and 4 have been cancelled without disclaimer or prejudice, and, thus, the pending claims remain for reconsideration, which is respectfully requested.

No new matter has been added.

The Examiner's rejections are respectfully traversed.

WITHDRAWN CLAIMS

The current Office Action, at the Office Action Summary asserts claims 2, 7, 13-16 and 18-38 are withdrawn. However, the Office Action mailed March 23, 2006, at page 4, item 10 states "Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. **Currently claim 1, 2, 28, 34 and 36 are generic**" (emphasis added). Further, in the Restriction Office Action of March 23, 2006, dependent claim 2 and independent claims 28, and 36 were not included in any of the species groups. For example, dependent claim 2 provided the "cache" limitation, also included in elected claim 4 and now incorporated in claim 1, and claim 2 provides a further limitation on the "encrypting unit" of claim 1. Furthermore, independent claim 28 is an apparatus type claim and independent claim 36 is a means plus function type claim which both require similar limitations as independent claim 1. Therefore, it is understood that claim 2, 28 and 36 should have been included in the species group IA and deemed constructively elected for being generic.

MPEP §803 recites "If the search and examination of **>all the claims in an** application can be made without serious burden, the examiner must examine **>them** on the merits, even though **>they include** claims to independent or distinct inventions." The Examiner did not include claim 34 as a species in the Restriction Requirement and indicated that claim 34 is generic. Therefore the Applicants respectfully submit it should not be a serious burden on the Examiner to examine claim 34.

Accordingly, it is understood that claims 1-6, 8-12, 17, 28, 34 and 36 are elected claims.

Correction of the Office Action is respectfully requested. Further, the next Office Action should not be Final, because a finality of issues with the Examiner has not been reached, since the status of elected claims must be clarified.

CLAIM REJECTIONS:

Claims 1, 5-6, 8-12 and 17 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hashimoto et al., U.S. Patent Publication 2001/0018736, hereinafter referred to as "Hashimoto."

Independent claim 1 is allegedly unpatentable Hashimoto.

Hashimoto discusses, in the abstract,

a tamper resistant microprocessor saves a context information for one program whose execution is to be interrupted, where the context information contains information indicating an execution state of that one program and the execution code encryption key of that one program. An execution of that one program can be restarted by recovering the execution state of that one program from the saved context information. The context information can be encrypted by using the public key of the microprocessor, and then decrypted by using the secret key of the microprocessor.

In other words, Hashimoto discusses restoring a program whose execution is interrupted by a tamper. In contrast, the claimed embodiment, for example claim 1, provides encrypting and decrypting the license of a program.

Hashimoto further discusses "content information" in paragraph 0038, which recites:

In the case of interrupting the execution of some program among the plurality of programs, **a context information encryption/decryption unit that provides an execution state writing function encrypts information indicating a state of execution up to an interrupted point of the program to be interrupted and the code encryption key of this program**, by using an encryption key unique to the microprocessor, and writes the encrypted information as a context information into a memory external of the microprocessor.

Hashimoto further discusses, at paragraph 39:

a verification unit that provides **a restarting function decrypts the encrypted context information by using a unique decryption key corresponding to the unique encryption key of the microprocessor**, and restarts the execution of the program

Therefore, Hashimoto discusses restoring a program whose execution is interrupted, by encrypting the state of the program (the context information), storing the context information in a memory external to the microprocessor and restoring the program using the encryption key for that processor.

In accordance with the foregoing, claim 1 is amended to incorporate the features of claims 3 and 4 to clarify patentably distinguishing features.

Amended claim 1 recites, for example, "...the first license includes an access condition used when an execution process of the first program accesses a memory region; and wherein said central processing unit further comprises:

a Translation Lookaside Buffer (TLB) recording an address of the memory region, at which the encrypted block which configures the first program is recorded, and the access condition to the memory region, a memory managing unit, a cache, and a processor core."

The Examiner, at page 4, item 13, asserts that paragraph 66 of Hashimoto anticipates the dependent claim 4 features (now incorporated into claim 1). Hashimoto, paragraph 66, recites, in its entirety, "Referring now to FIG. 1 and FIG. 2, the first embodiment of a tamper resistant microprocessor according to the present invention will be described in detail." In the text of Office Action, the Examiner has mentioned nothing specifically about the claimed "license" nor does the Examiner assert that Hashimoto discusses the claimed encrypting and decrypting the license for accessing a program.

The Examiner further asserts, at page 4, item 13 of the Office Action, that Hashimoto, paragraph 66, anticipates the dependent claim 4 feature(now incorporated into claim 1) of "... the first license includes an access condition used when an execution process of the first program accesses a memory region ... wherein said processor core determines whether an access to the memory region is permitted to be made from the execution process based on the access condition obtained by said memory managing unit, and the access to the memory region is made from the execution process if said processor core determines that the access to the memory region is permitted to be made" as recited in amended claim 1. However, as discussed above, Hashimoto is directed to restoring an interrupted program based upon decrypting encrypted context information storing the state of a program and, thus, Hashimoto at least fails to disclose, either expressly or inherently, for example "... wherein said processor core determines whether an access to the memory region is permitted to be made from the execution process based on the access condition obtained by said memory managing unit" as recited in

claim 1, since Hashimoto discusses restoring the state of an interrupted program and not determining "an access" based upon the "access condition" included in a license.

The "license" is described in the application Specification at, for example, page 6, line 23 to page 7, line 23. Also, the detail of the GT (Generic Tamper Resistant Module) license in relation to the claimed embodiments is further described in the application Specification, for example, at page 72, line 4 to page 76, line 12.

Further, the definition of "license" in the field is publicly known, for example, as shown in Keitaide Music Specifications – Keitaide Music Technical Specification, published by the Keitaide-Music Consortium, page 5, section 3.3, item number 14 entitled "license," a portion of which is attached herewith for the convenience of the Examiner. The Entire document can be viewed at <http://www.keitaide-music.org/pdf/KP1EF101.pdf>.

Dependent claims recite patentably distinguishing features of their own or are at least patentably distinguishing due to their dependence from the independent claims. Withdrawal of the rejection of pending claims, and allowance of pending claims is respectfully requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

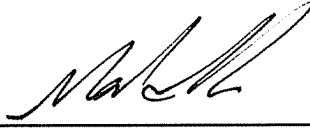
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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